

**MINUTES OF MEETING  
ARBOR GREENE  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Arbor Greene Community Development District was held on Monday, February 10, 2014 at 6:30 p.m. in the Gathering Room, Arbor Greene Community Center, 18000 Arbor Greene Drive, Tampa, Florida.

Present and constituting a quorum were:

Adam Tanenbaum	Chairman
Toby P. Thomson	Vice Chairman
Steven Eckhardt	Supervisor
Michael S. Candella	Supervisor
Nathaniel Clawson	Supervisor

Also present were:

Mark Vega	District Manager
Jason von Merveldt	Community Manager

Residents

*The following is a summary of the minutes and actions taken at the February 10, 2014 Arbor Greene Board of Supervisors meeting.*

**FIRST ORDER OF BUSINESS**

**Call to Order**

**A. Roll Call**

Mr. Tanenbaum called the meeting to order and all Supervisors were in attendance.

**B. Approval of Agenda**

A request was made to amend the agenda by adding the District Manager's Report as Item 3A and deleting Item 4 E.

On MOTION by Mr. Thomson with all in favor the agenda was approved as amended.
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**SECOND ORDER OF BUSINESS**

**Public Questions and Comments on the Agenda**

Ms. Julie VanAcker updated the Board on the potential dog park project.

Mr. Paul Boucher updated the Board on the Neighborhood Watch and security. A discussion regarding gate access to the community and the villages ensued. Mr. Tracy Robin also joined in the discussion.

Mr. Robin, District Counsel, addressed the Board regarding the Request for Proposals (RFP) that was posted. Mr. John Vericker of Mr. Robin’s firm was introduced to the Board. Past issues such as the roof construction project and the snack shack were discussed at length. Counsel will put together and submit a proposal with alternative attorney meeting attendance schedules.

**THIRD ORDER OF BUSINESS**

**Reports**

**A. District Manager’s Report**

**i. Exterior Project**

Mr. Eckhardt expressed his opinion that he does not have confidence in the roof contract with Cardinal Roofing Inc.

On MOTION by Mr. Eckhardt with all in favor the vote taken at the January 27, 2014 Board meeting approving the Cardinal Roofing, Inc. contract was rescinded and terminating any further negotiations with Cardinal Roofing was approved.

The District Engineer will be asked to attend the next meeting to readdress the roof project approaching it as if the project were being started from the beginning.

*The record will reflect Mr. Vega and Mr. Robin left the meeting.*

**FOURTH ORDER OF BUSINESS**

**Old Business**

**B. HOA Parking Enforcement (Sean Kiehl, HOA President)**

Mr. Kiehl addressed the Board regarding parking enforcement and made the following comments and requests:

- At a minimum he needs the CDD to produce a No Parking sign that will sit outside of the gates to meet the minimal legal standard notifying people there is no parking on the streets in this community.
- Also, in the gated communities, install a No Parking sign on the gate clearing indicating No Parking in the Villages and for the non-gated villages put a sign where it would make sense.

- If the CDD takes this step, this allows the HOA, through the Neighborhood Watch and our own enforcement to begin. We will use neon violation stickers, which will be placed on the driver's side window.
- We will start with overnight parking if the Board wants to clarify this. The covenants are very gray. The most legally defensible position is to say No Parking overnight and enforce that through night patrols as well as the Neighborhood Watch.
- If we do nothing, regarding emergency vehicles, there may be liability that we were negligent in enforcing the covenants.
- The streets were not constructed to accommodate large vehicles and so we have to make some effort to enforce the covenants.
- Placing signs up will give us enough leeway to enforce.

There was Board consensus to direct the Community Manager to consult with Mr. Kiehl to proceed with the requested sign; quantity one at main gate.

**THIRD ORDER OF BUSINESS (continued)      Reports**

**B.      Community Manager's Report**

Mr. von Merveldt reported the following:

- Ms. Julia Lamb is in attendance at the meeting and is requesting to hold a triathlon fund raising event on April 6, 2014 for approximately two hours. Participants will consist of mostly Arbor Greene kids ages 12 and under.

The Board agreed by consensus to allow the triathlon fund raising event requested by Ms. Lamb.

- Ms. Lamb also addressed the Board regarding starting an adult swimming program on Tuesday and Thursday mornings from 6:30 a.m. to 7:30 a.m.

The Community Manager was directed to review the current Concession Agreement with Ms. Lamb to see if it includes a provision for allowing an adult swimming program; Mr. Tanenbaum will assist with reviewing the agreement.

- Sidewalk replacement – the rubber product cost is \$17,808 and the life span is 15 years. It is recommended to be pressure washed and brushed annually for maintenance. The sidewalk would need to be raised two inches. A quote for removal of concrete and prep for all the sidewalk areas is forthcoming. We are

proposing to remove 1,018 square feet and preparation would take approximately 3 days. Board consensus was not to move forward with the rubber option.

On MOTION by Mr. Thomson with all in favor the sidewalk repairs as outlined in the Community Manager Report under Item 1213-1, at a cost of not to exceed \$12,050 was approved.

- Item 0214-2-Maintenance shed to house a golf cart and other maintenance items. Bids were received from companies who were able to build it on site.

*The record will reflect the meeting recessed.*

*The record will reflect the meeting resumed.*

The maintenance shed discussion continued. Additional bids were requested by the Board.

- The website was discussed. Mr. Clawson addressed whether the website terms of use should be reviewed by District Counsel. Board consensus was to have counsel review it and it will return to the Board for approval.
- Item 0214-4 – Community center and gatehouse cleaning contract. Proposals were obtained for this service since the Community Manager is not happy with the current service. The proposal from Cover All was recommended by the Community Manager.

On MOTION by Mr. Eckhardt with all in favor terminating the existing Vanguard cleaning contract with a 30 day notice and authorizing the Community Manager to engage in negotiations to finalize a contract with Cover All to provide the proposed cleaning service, subject to final approval by the Board was approved.

- The resort pool drain issue was fixed.
- It is time to begin discussing future large item projects preparing for the 2015 budget.

**FOURTH ORDER OF BUSINESS (continued) Old Business**

**A. Arbor Greene (AG) Extra Duty Patrol Officer Tasks/Responsibilities**

Mr. Thomson referenced a handout he distributed at the last meeting. He noted if there is Board consensus he will give the handout and map for any extra duty TPD patrol officers to

use. Mr. Candella suggested trying it for a few months. Mr. von Merveldt and Mr. Thomson will work together to put the patrol orders in final form before distributing to the Tampa PD.

### **C. Rules of Procedure**

Mr. Tanenbaum noted he emailed a revised draft of the Rules of Procedure to the District Manager last week, which included the revisions the Board made two meetings ago. The revised draft is posted on the District website and this is the draft that can be amended and voted on for approval at the next meeting. The Board was asked if the revised Rules of Procedure should now be reviewed by District Counsel; primarily rules 4, 5 and 6. Mr. Thomson agreed.

Mr. Tanenbaum also noted he added verbiage to the rules regarding the roles of Chairman and Vice Chairman and how succession takes place if the Chairman resigns and the timing of that; under E and F, pages 5 and 6.

### **D. Policy Manual**

A copy of the Meadow Pointe CDD Policy Manual was passed out to the Board. A draft of the Arbor Greene CDD Policy Manual will be distributed at the February 24<sup>th</sup> meeting for the Board to take up at a future meeting.

## **FIFTH ORDER OF BUSINESS**

### **New Business and Supervisor Requests**

#### **A. Supervisors Requests and Motions**

Mr. Thomson reported street light and tennis court issues to the Community Manager.

Mr. Eckhardt noted he passed out the preliminary documents that Masterpiece gave us. They are looking for direction on things they submitted. They are having a rough time with the room and the electrical placement. The space plan diagrams handed out by Mr. Eckhardt were discussed.

*A copy of the space plans will be attached hereto for the public record.*

*The record will reflect Mr. Candella left the meeting.*

Mr. Tanenbaum noted the decision tonight is to get a direction so that Masterpiece knows which project to give an estimate on. We are not committing to anything tonight. The Board was asked which space plan are they interested in getting an estimate on or do they want an estimate on both plans. Mr. Clawson indicated he likes space plan B, Mr. Thomson likes B, but it will be expensive. The consensus of the Board was to continue to move forward with space plan B which is a more comprehensive interior design.

Mr. Clawson addressed an issue with the current Resident Rental Policy and Contract Form.

Mr. Tanenbaum stated “after the February 24<sup>th</sup> meeting I am stepping down as Chairman and will be working in Tallahassee, still living here until the summer. The Chairman should physically attend Board meetings. After further consideration in terms of when I will resign my commission, I will delay that. There is nothing that requires me to resign until I am no longer an actual resident of the district and which after we move then I am automatically, by statute, disqualified and there will be a vacancy. Until then, it is my judgment as to what is appropriate, and I am just concerned right now that we just had a lot of change in this district over the last year, all good, but if there is still some change I would like to still be present and be available for the Board for a little while longer to help as a member of the Board, to kind of help, kind of be an extra source of memory. This will ultimately be up to the Board, depending on what the Board does with the Rules, whether you are going to let me participate by phone and whether you consider it to be extraordinary that I am actually in Tallahassee. If the Rules of Proceedings are approved at the next meeting, if I resign, then Mr. Thomson will be Acting Chairman and then there is a procedure and a time table for that.”

The Board re-addressed the previous discussion regarding the RFQ for District Counsel services. Mr. Tanenbaum briefed the Board on his previous conversation with Mr. Robin regarding the Board’s reservations with his service. Mr. Clawson noted if we decide to continue to retain the Straley, Robin firm he definitely wants real solutions not just yes or no’s. It is important for the District Counsel to take a tour of the facility. Mr. Tanenbaum noted he is now at a level where he can talk lawyer to lawyer with Mr. Robin considering their conversation last week.

The Board was asked for their opinions on the attorneys who made presentations at the last meeting and the responses were as follows:

- Mr. Clawson was not favorable to the presentation from Ms. McCormick and found an inconsistency with Mr. Cohen; the Gardner’s showed a lot of confidence. It doesn’t bother Mr. Clawson that they only have one CDD client at this time.
- Mr. Thomson noted if the Board decides on another legal firm, he would rather go with an attorney who does not just look at Chapter 190 all day. Current

counsel is comfortable with this CDD doing things on a small scale. If we change counsel, the Gardner's would be the worthwhile selection.

- Mr. von Merveldt noted the Gardner's implied they rely on their paralegals a lot.
- Mr. Tanenbaum noted the Gardner's are definitely a change from your typical CDD lawyer; they are more business oriented. He recommended keeping the current counsel through the summer, putting him on notice of what the Board is expecting and explain to him what he needs to do. If it doesn't work out with Mr. Robin, then the Gardner's are the logical next choice.

Mr. von Merveldt reported on a tree trimming issue/inquiry/complaint he received via an email from a resident. (Why do residents pay HOA fees to have their trees trimmed when the Newsletter states trees will be taken care of by the CDD). The CDD did everything that could be done to let everyone know what would be done regarding trimming trees.

Mr. Clawson reported the website is quickly becoming outdated and he would like consensus from the Board to move forward with making the new website active as soon as we have the Terms of Use. Board consensus was to move forward with activating the new website as requested.

**B. Announcements**

The next meeting is scheduled for February 24, 2014 at 6:30 P.M.

**C. Public Special Requests**

There not being any, the next item followed.

**SIXTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Thomson with all in favor the meeting was adjourned.

  
~~Adam S. Tanenbaum~~ **Toby Thomson**  
Chairman